

**Iowa Department of Natural Resources  
Environmental Protection Commission**

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**ITEM**

**20**

**DECISION**

**TOPIC**

**PROPOSED CONTESTED CASE DECISION – DARYL LARSON**

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Daryl Larson

On January 29, 2001, the department issued Administrative Order No. 2001-AFO-05 (Order) to Daryl Larson for failures to remove manure from manure storage structures at six discontinued confinement feeding operations in Adair, Clinton, Crawford, Scott and Shelby Counties. The order required Mr. Larson to remove and properly land-apply the manure by May 15, 2001. Mr. Larson appealed the Order.

The Administrative Law Judge (ALJ) issued a Notice of Hearing on October 22, 2007, sending it to Mr. Larson via regular and certified mail. Mr. Larson did not claim the Notice of Hearing sent by certified mail. The Notice of Hearing sent by regular mail was not returned to the ALJ. Not receiving the required Petition from Mr. Larson, the department filed a motion for default on November 27, 2008. Because the hearing was set for December 4, 2007, the department filed a motion for continuance on November 28, 2007. Prior to December 10, 2007, Mr. Larson telephoned the ALJ; the ALJ instructed Mr. Larson to file his response immediately if he intended to oppose the department's motion for default. On December 10, 2007, the ALJ issued an order continuing the hearing date, scheduling a conference call hearing on the default motion for December 20, 2007, requiring Mr. Larson to file a written response to the default motion prior to December 20, 2007, and requiring Mr. Larson to provide a telephone number where he could be contacted on December 20, 2007. Mr. Larson did not file a response to the default motion and did not provide a telephone number where he could be contacted for the hearing on December 20, 2007. Mr. Larson failed to appear at the hearing on December 20, 2007, and the ALJ issued the Proposed Decision on December 21, 2007. The Proposed Decision grants the Department's motion for default and affirms Administrative Order No. 2001-AFO-05 in all respects.

To date, Mr. Larson has not appealed the Proposed Decision. In the absence of an appeal the Commission may decide on its own motion to review the Proposed Decision. If there is no review of this Proposed Decision, it automatically becomes the final decision of the agency.

Edmund J. Tormey, Chief  
Legal Services Bureau

January 10, 2008

